

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
GISSELLE RUIZ,)	
Individually and on behalf of all others)	
Similarly situated,)	
)	
Plaintiff)	
)	
v.)	Civil Action No 05-11052 NMG
)	
BALLY TOTAL FITNESS HOLDING CORP.,)	
A Delaware Corporation, and)	
HOLIDAY UNIVERSAL, INC.,)	
A Delaware Corporation,)	
)	
Defendants)	
_____)	

**ASSENTED-TO MOTION TO FILE REPLY MEMORANDUM TO
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Defendants Bally Total Fitness Holding Corporation and Holiday Universal, Inc. (together, "Bally"), hereby respectfully submit this Assented-to Motion for Leave to File Reply Memorandum pursuant to Local Rule 7.1(b)(3). As grounds for this motion, Bally states as follows:

1. Bally requests leave to file a Reply Memorandum to address the arguments set forth in Plaintiff's Opposition to Defendants' Motion to Dismiss.
2. Bally believes that its Reply Memorandum will assist the Court in deciding the issues presented.
3. Plaintiff, by and through her counsel, has assented to this Motion. No party will be prejudiced if the Court grants the relief sought by this Motion.

WHEREFORE, Bally hereby respectfully requests that the Court grant the requested leave to file a Reply Memorandum to Plaintiff's Opposition to Defendants' Motion to Dismiss.

Respectfully submitted,

BALLY TOTAL FITNESS HOLDING
CORP. and HOLIDAY UNIVERSAL, INC.,

By their attorneys,

/s/ Juliet A. Davison

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Date: February 7, 2006

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that, pursuant to L.R. 7.1(A)(2), I have conferred with plaintiff's counsel in a good faith attempt to resolve or narrow the issues raised in this motion and plaintiff's counsel has assented to the filing of a Reply Memorandum.

/s/ Juliet A. Davison

Juliet A. Davison